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**FEB 05 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Klaus Kwetkat, et al. :  
Application No. 09/831,797 : **DECISION ON PETITION**  
Filed: August 14, 2001 :  
Attorney Docket No. MULLER-26 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 6, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed April 5, 2005, and a three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 6, 2005. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$790, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 1751 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in cursive script, appearing to read "Irvin Dingle".

Irvin Dingle  
Petitions Examiner  
Office of Petitions